DELEGATION OF AUTHORITY
CLEAN AIR ACT (CAA)

Prevention of Significant Deterioration: Administrative Enforcement

1. **AUTHORITY.** Pursuant to the Clean Air Act, to issue orders, pursuant to Sections 113(a)(5) and 167 to prevent construction or modification of a major emitting facility which does not conform to the requirements of Part C, Title I of CAA, or which is proposed for construction or modification in any area included in the list promulgated pursuant to Section 107(d)(1)(D) or (E) and which is not subject to an implementation plan that meets the requirements of Part C, Title I.

2. **TO WHOM REDELEGATED.** To the director, Office of Compliance and Enforcement, or equivalent.

3. **LIMITATIONS.**
   a. The office director must consult with the AA for OECA before exercising the above authority.
   b. The office director must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
   c. The AA for OECA may exercise these authorities in multi-regional cases or cases of national significance.
   d. The AA for OECA must notify any affected office director before exercising this authority.
   e. The AA for OECA may waive, in writing, consultation requirements.

4. **REDELEGATION AUTHORITY.**
   a. This authority may be redelegated to the unit manager level, and no further.
   b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **SUPERSESSION.** This delegation supersedes R10 7-38 (05/28/2004) and any other delegation of the same authority.

6. **ADDITIONAL REFERENCES.**
   a. Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions" and Emergency Temporary Restraining Orders."
   b. EPA Delegation 7-38.

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Date

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Michelle L. Pirzadeh
Acting Regional Administrator